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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/750,008

12/31/2003

Vijay N. Muthiah

03-SIN-091

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10/11/2007

EXAMINER

NGUYEN, PHUONGCHAU BA

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

10/11/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/750,008

**Applicant(s)**

MUTHIAH, VIJAY N.

**Examiner**

Phuongchau Ba Nguyen

**Art Unit**

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 11, 17 and 21 is/are rejected.
- 7) ☒ Claim(s) 2-10, 12-16, 18-20, 22-26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8-11-6</u> .  | 6) <input type="checkbox"/> Other: _____                          |

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Terry

(US 2006/0274783 A1).

Regarding claim 1, Terry (US 2006/0274783 A1) discloses for use in a wireless telecommunication system comprising a base station and a plurality of mobile stations, a method for selecting a best fit transport format combination (TFC) from a transport format combination set that is assigned to at least one mobile station by said base station, said method comprising the steps of:

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identifying TFC candidates in said transport format combination set that are not best fit candidates (0013 & 0025);

deleting from said transport format combination set said TFC candidates that are not best fit candidates until a sole TFC candidate remains (0016 & 0032); and

identifying said sole remaining TFC candidate as a best fit TFC candidate (0016).

3. Claim 11 is rejected under 35 U.S.C. 102(e) as being anticipated by Vayanos (US 2005/0128986 A1).

Regarding claim 11, Vayanos (US 2005/0128986 A1) discloses for use in a wireless telecommunication system comprising a base station and a plurality of mobile stations, a method for selecting a best fit transport format combination

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(TFC) from a transport format combination set that is assigned to at least one mobile station by said base station, said method comprising the steps of:

applying an iterative TFC selection algorithm to said transport format combination set to identify TFC candidates that are not best fit candidates (0039 & 0041);

deleting from said transport format combination set said TFC candidates that are not best fit candidates until a sole TFC candidate remains (0041 & 0050); and

identifying said sole remaining TFC candidate as a best fit TFC candidate (0046-0049 & 0051).

4. Claim 17 is rejected under 35 U.S.C. 102(e) as being anticipated by Rao (US 2005/0094656 A1).

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Regarding claim 17, Rao (US 2005/0094656 A1) discloses for use in a wireless telecommunication system comprising a base station and a plurality of mobile stations, user equipment that is capable of selecting a best fit transport format combination (TFC) from a transport format combination set that is assigned to at least one mobile station by said base station, wherein said user equipment comprises:

a protocol stack (MAC layer 13-fig.1) that identifies TFC candidates in said transport format combination set that are not best fit candidates (see abstract & 0013-0017, 0021 and 0042);

wherein said protocol stack deletes from said transport format combination set said TFC candidates that are not best fit candidates until a sole TFC candidate remains (abstract & 0042-0043); and

wherein said protocol stack identifies said sole remaining TFC candidate as a best fit TFC candidate (abstract & 0043).

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5. Claim 21 is rejected under 35 U.S.C. 102(e) as being anticipated by Iacono (7,058,032).

Regarding claim 21, Iacono (7,058,032) discloses for use in a wireless telecommunication system comprising a base station and a plurality of mobile stations, a method for minimizing a search time for selecting a best fit transport format combination (TFC) from a transport format combination set that is assigned to at least one mobile station by said base station, said method comprising the steps of:

applying an iterative TFC selection algorithm to said transport format combination set to identify a TFC candidate that is a best fit candidate in said transport format combination set (col.6, lines 4-41);

iteratively reducing a size of said transport format combination set to a smaller size (col.6, lines 4-41); and

iteratively searching said smaller size of said transport format combination set to identify best fit TFC candidates (col.6, lines 4-41).

*Allowable Subject Matter*

6. Claims 2-10, 12-16, 18-20, 22-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose telephone number is 571-272-3148. The examiner can normally be reached on Monday-Friday from 10:00 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax



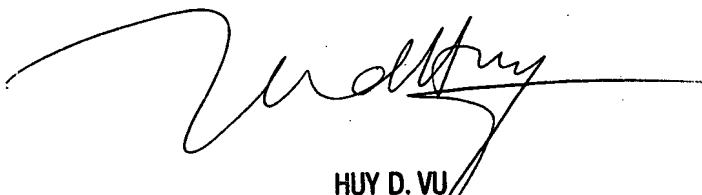
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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Phuongchau Ba Nguyen  
Examiner  
Art Unit 2616



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SUPERVISORY PATENT EXAMINER  
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